Queensland Police Service

Privacy Complaint Guideline

Queensland Government

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1. Purpose of the Privacy Complaint Guideline

The purpose of the Privacy Complaint Guideline (**Guideline**) is to explain how to make a privacy complaint to the Queensland Police Service (QPS) under the *Information Privacy Act 2009* (IP Act) and to help you understand the privacy complaint process. You may make a privacy complaint if you believe QPS has not handled your personal information in accordance with the IP Act.

This Guideline should be read in conjunction with the Privacy Complaint Form to assist you in providing the information required for QPS to assess your privacy complaint.

This Guideline explains the information and documents that may be required for QPS to assess your complaint, while the Privacy Complaint Form provides a structured way for you to provide that information.

2. Using this Guideline and the Privacy Complaint Form

Before completing the Privacy Complaint Form, read this Guideline carefully.

This Guideline explains the requirements for making a privacy complaint under the IP Act and the information QPS requires to assess your privacy complaint.

Following this Guideline will assist you to provide sufficient information to identify the personal information involved, the act or practice you are complaining about, and the reasons you consider the handling of your personal information may not have complied with the IP Act.

Providing complete and accurate information when you lodge your complaint will assist QPS to determine whether the matter falls within the privacy complaint provisions of the IP Act and to assess your complaint efficiently.

The Privacy Complaint Form and this Guideline should be used together. The table below identifies the sections of this Guideline that correspond to each section of the Privacy Complaint Form.

Guideline section	Privacy Complaint Form section	Information required
Section 6	Section 1 – Complainant's details	Complainant's name and contact details
Section 7	Section 2 – Authorised representative	Representative's details and authority to act
Section 8	Section 3 – Privacy concern	Personal information involved, the act or practice complained about, relevant dates and outcome sought
Section 9	Section 4 – Evidence and supporting documents	Identity and authority documents and supporting material
Section 10	Section 5 – Lodgement	Lodgement requirements

3. What is a privacy complaint?

Section 164 of the IP Act defines a **privacy complaint** as a complaint by an individual about an act done or practice engaged in by a relevant entity in relation to the individual's personal information that may constitute a breach of:

a) the privacy principle requirements; or

b) for an agency—chapter 3A, part 2 or 3 of the IP Act.

The privacy complaint process is limited to assessing whether QPS has complied with its obligations under the IP Act in relation to the handling of **personal information**.

Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

The Privacy Complaint Form should only be used for complaints about the handling of personal information under the IP Act. If your complaint is about the conduct of a QPS member or the delivery of a QPS service use the 'Make a complaint about a QPS member' or 'Make a complaint about a QPS service' form on the QPS Feedback webpage.

4. Who can make a privacy complaint?

You may make a privacy complaint about:

a) your own personal information; or

b) your child's personal information if the child is under 18 years of age.

You may also authorise another person, such as a lawyer, family member or other representative, to make a privacy complaint on your behalf. You will need to provide evidence that you have authorised the person to act on your behalf. If you are making a complaint on behalf of your child, you will need to provide evidence of your relationship.

5. Use of Artificial Intelligence (AI)

If AI generated content is included in your complaint, check it carefully for accuracy and relevance.

AI tools can produce lengthy responses with unnecessary legal language that makes your privacy concern difficult to identify.

AI tools can make mistakes. You should not assume that a legal provision or principle identified by an AI tool is accurate or applies to your circumstances.

You do not need to identify the relevant Privacy Principles or use legal language for QPS to consider your privacy complaint. Instead, clearly explain what QPS did with your personal information, when it happened, what information was involved and why you believe the way it was handled breached your privacy.

Clear factual information about what happened is more useful than lengthy AI generated legal submissions.

6. Privacy Complaint Form Section 1: Complainant details

The **complainant** is the person whose personal information is the subject of the privacy complaint.

Section 1.1 Complainant's details

At Section 1.1, provide the complainant's first name and last name.

Because a privacy complaint concerns the handling of your personal information, QPS must be able to identify both the complainant and the personal information that is the subject of the complaint.

Accordingly, you will be required to provide your name and in the interests of ensuring your privacy, evidence of your identity.

Provide either a current email address or residential address so QPS can correspond with you. Advise the Privacy Unit if your contact details change.

Provide a preferred contact phone number where possible. Any communication restrictions, interpreter requirements or preferred contact arrangements may be included in an attachment or covering email.

7. Privacy Complaint Form Section 2: Authorised representative

The **authorised representative** is the person authorised by the complainant to act on their behalf concerning their privacy complaint.

If you are the complainant, continue to Section 3.

Section 2.1 Authorised representative's details

At Section 2.1, provide the name and contact details of the authorised representative so that QPS can correspond with them.

Section 2.2 Authority to act for the complainant

At Section 2.2, select the option that accurately describes the authorised representative's capacity, such as parent of a child under 18, guardian, legal representative, an enduring power of attorney (EPOA) that allows the attorney to make decisions about legal matters, or another authorised capacity.

A parent acting for a child must provide a certified copy of the child's birth certificate. Another type of representative must provide evidence of the authority appropriate to the capacity claimed.

The written authority must be signed and dated by the complainant, identify the complainant and representative, state that the representative may make and manage the privacy complaint (or allow the representative to make decisions about legal matters) and authorise QPS to communicate with the representative.

QPS may request further information where authority is unclear and may need to communicate directly with the complainant where reasonably necessary to verify authority.

8. Privacy Complaint Form Section 3: About the privacy concern

Section 3.1 About the privacy concern

At Section 3.1, provide the date the incident occurred (or the estimated date), the date you became aware of the incident, and identify the personal information involved.

Explain how you became aware of the incident. For example, you received correspondence, viewed information online, obtained records, or were advised by another person.

Privacy complaints are ordinarily required to be made within 12 months of you becoming aware of the incident. If your complaint is outside that period, explain the reasons for the delay and any circumstances you consider relevant to QPS' consideration of whether the privacy complaint should be accepted.

Identify the personal information involved in the incident. Describe the information in enough detail for QPS to understand what information you are referring to. Examples may include your name, date of birth, address, phone number, photograph, video or audio recording, health information, or information contained in a QPS record.

Only include personal information about another person where it is reasonably necessary to explain your privacy complaint.

Section 3.2 Describe the act or practice by QPS that you believe may be a breach of QPS' obligations under the IP Act

A privacy complaint must relate to an act or practice by QPS involving your personal information. When describing your privacy complaint, focus on how QPS handled your personal information.

Section 164 of the IP Act provides that an individual may make a privacy complaint about an act done or practice engaged in by a relevant agency. The IP Act does not provide for privacy complaints based solely on hypothetical, anticipated or potential future breaches of privacy where no act, practice or incident has taken place.

You are not required to prove that a breach of your privacy has occurred. However, the information provided should be sufficient for QPS to understand the act or practice complained of and assess the issues raised.

Please refer to section 4.2 of this Guideline regarding provision of supporting documents. If you do not have a copy of a record that is relevant to your privacy complaint, provide sufficient information to identify the record or incident, such as date, title, author, recipient, location or reference number, if known.

Your concern may relate to collection, access, use, disclosure or another requirement under the IP Act. You may wish to identify a Queensland Privacy Principle (QPP) or Information Privacy Principle (IPP) but doing so is not necessary for QPS to assess your privacy complaint. For more information about the Privacy Principles, see **Appendix A: Queensland Privacy Principles (QPPs)** or **Appendix B: Information Privacy Principles (IPPs)** of this Guideline.

Section 3.3 Describe how this incident affected you

Include any practical, financial, reputational, safety or other impacts that you believe have resulted from the incident.

If you consider the incident has created a risk of harm to you, describe the nature of that risk and any steps you have taken in response. If you require urgent assistance or are concerned for your immediate safety, seek appropriate assistance and do not rely on the privacy complaint process as an emergency response mechanism.

Call Triple Zero (000) for urgent requests for assistance. Non-urgent requests should be directed to Policelink (131 444).

Where relevant, provide documents or other materials that support any claimed loss, impact or remedial steps taken in response to the incident.

Section 3.4 What outcome are you seeking?

Describe the outcome you are seeking and explain how it would address your privacy concerns. Providing a clear and specific outcome will assist QPS in understanding and assessing your request.

Depending on the circumstances, outcomes may include an explanation, acknowledgement, apology, confirmation that information has been secured or contained, changes to information handling practices, staff guidance, or other appropriate remedial action.

Some outcomes may not be available through the privacy complaint process or may need to be pursued through another process. This may include requests for access to documents, formal correction of records, disciplinary action against a QPS member, criminal prosecution, review of operational decisions, or compensation.

9. Privacy Complaint Form Section 4: Evidence of identity and supporting documents

Section 4 Supporting documents checklist

Section 4 contains a supporting documents checklist to help you identify which documents are being submitted with your complaint. Review each checklist item and indicate whether it applies to your complaint.

Providing all relevant documents and information when you lodge your complaint will assist QPS to assess your complaint. If information or documents reasonably necessary to assess your complaint are not provided, QPS may be unable to investigate some or all aspects of the complaint.

Section 4.1 Evidence of your identity

To protect your personal information, QPS requires evidence of your identity before assessing or responding to your complaint. This helps ensure QPS is dealing with the correct person and reduces the risk of unauthorised disclosure of personal information.

QPS may require a certified copy of your identification document. The certification must be no more than 12 months old.

Suitable identification documents may include a current driver licence, passport or birth certificate. A current Digital Licence issued by the Queensland Department of Transport and Main Roads can be provided in PDF format without certification.

If your identity documents contain different names or details to those provided in the form, explain the discrepancy and provide supporting documentation where appropriate.

Section 4.2 Supporting documents

Please provide sufficient information and any available evidence to identify and support the act or practice you are complaining about. Relevant material may include documents, letters, emails and screenshots. Only provide material that is reasonably necessary to explain the circumstances of your complaint or support the matters you have described.

Do not provide passwords, PINs, security answers, full payment card details or other credentials.

Do not alter or edit documents, screenshots or other records in a way that changes or obscures their original content.

Assessment of a privacy complaint may require QPS to obtain information from, or provide information to, other areas of QPS or external entities. QPS will only use or disclose your personal information to the extent reasonably necessary to assess, manage and respond to your complaint.

Section 4.3 Authority to Act (if applicable)

An authorised representative must provide evidence of their identity, evidence of the complainant's identity and evidence of authority appropriate to the capacity claimed.

The written authority must be signed and dated by the complainant, identify the complainant and representative, state that the representative may make and manage the privacy complaint and authorise QPS to communicate with the representative.

A parent acting for a child must provide evidence of the child's identity and their relationship with the child. QPS may request further information where authority is unclear.

QPS may need to communicate directly with the complainant where reasonably necessary to verify authority.

If requested information is not provided, QPS may be unable to investigate some or all of the complaint.

10. Privacy Complaint Form Section 5: Lodgement

Section 5.1 Lodgement

Before lodging your complaint, review the completed Privacy Complaint Form and all supporting documents to ensure the information provided is complete and accurate.

Complete Section 5.1 only after reading the Privacy Notice, this Guideline and once you have confirmed that all required documents are included.

Enter the date of lodgement in DD/MM/YYYY format.

Section 5.2 Lodgement instructions

Lodge the completed form and supporting documents by email to: privacy@police.qld.gov.au

or by post to:

Principal Privacy Officer, Privacy Unit

Queensland Police Service

GPO Box 1440

Brisbane QLD 4001

If lodging your complaint by email, use a clear subject line such as 'Privacy Complaint – [surname]'. Before sending, check that all attachments can be opened and viewed.

Where attachments must be sent in multiple emails, number each email and state the total number of emails being sent (for example, 'Email 1 of 3').

If you are unable to email a large file, contact the Privacy Unit to discuss an alternative method of providing the material.

11. What happens after lodging your privacy complaint

The Privacy Unit will assess your complaint and any supporting information provided. During the assessment process, you may be asked to provide clarification, further information or additional documents.

If the Privacy Unit requests further information, please respond as soon as practicable or advise if you require additional time. If information reasonably necessary to assess the complaint is not provided, QPS may be unable to assess or respond to some or all aspects of the complaint.

As part of the assessment process, the Privacy Unit may consider whether the matter is appropriately dealt with as:

- a privacy complaint;
- another type of complaint;
- an access application;
- a correction request;
- a data breach matter; or
- a combination of processes.

To assess and respond to your privacy complaint, the Privacy Unit may consult with other areas of QPS or external entities and provide relevant information about your privacy complaint where reasonably necessary.

The statutory response period

QPS has **45 business days** to assess and respond to your privacy complaint. The response period commences on the first business day after QPS receives your complaint.

Before the expiration of the response period QPS may seek an extension if additional time is required to assess the complaint.

Privacy complaints cannot be referred to the Office of the Information Commissioner (OIC) prior to the expiration of the response period.

The Privacy Unit will provide you with a written response outlining the outcome of QPS' consideration of your privacy complaint.

If you are not satisfied with QPS' response to your privacy complaint, or QPS has not responded within 45 business days, you may refer the matter to the OIC.

The OIC does not investigate or determine privacy complaints. The OIC's role is to assist the parties to resolve the complaint through mediation where appropriate. If the complaint cannot be resolved, you may ask the Information Commissioner to refer the matter to the Queensland Civil and Administrative Tribunal (QCAT) for determination.

12. Accessibility and other assistance to make a privacy complaint

If you need assistance to make a privacy complaint, contact the Privacy Unit before completing the Privacy Complaint Form.

Assistance may include:

- arranging an interpreter;
- discussing alternative ways to provide information;
- assistance for people with disability or other communication needs; and
- permitting a representative, support person, advocate, lawyer or family member to assist you with your complaint.

This Guideline is intended to assist you in making a privacy complaint and forms part of the reasonable assistance QPS provides to individuals seeking to access the privacy complaint process. If you require additional assistance to understand the process or communicate the concerns you wish to raise, you may contact the Privacy Unit. QPS may provide further reasonable assistance having regard to your circumstances and the nature of the complaint.

You remain responsible for the content of your complaint and any information provided in support of it.

13. Further information

Information Privacy Act 2009

OIC Queensland: Privacy complaints

OIC Queensland: How to make a privacy complaint

Privacy in the QPS

Appendix A: Queensland Privacy Principles (QPPs)

The table below will help identify a QPP relevant to an incident occurring on or after 1 July 2025.

Privacy Principle	Requirement
QPP 1	Open and transparent management
QPP 2	Anonymity and pseudonymity
QPP 3	Solicited collection
QPP 4	Unsolicited information
QPP 5	Notification of collection
QPP 6	Use or disclosure
QPP 10	Quality
QPP 11	Security
QPP 12	Access
QPP 13	Correction

Other obligations include section 33 (overseas disclosure) and Chapter 3A (mandatory notification of data breaches).

Appendix B: Information Privacy Principles (IPPs)

The table below will help identify an IPP relevant to an incident occurring prior to 1 July 2025.

Privacy Principle	Requirement
IPP 1	Collection (lawful and fair)
IPP 2	Collection (requested from individual)
IPP 3	Collection (relevance)
IPP 4	Storage and security
IPP 5	Providing information about documents
IPP 6	Access to documents
IPP 7	Amendment of documents
IPP 8	Accuracy before use
IPP 9	Use only for a relevant purpose
IPP 10	Limits on use
IPP 11	Limits on disclosure

QPS will consider the legislation in force at the relevant time, including any applicable exceptions and overseas transfer requirements.